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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,769	02/25/2002	Eivind Stenersen	758.1040USD1	3613

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EXAMINER	
SAVAGE, MATTHEW O	

ART UNIT	PAPER NUMBER
1723	4

DATE MAILED: 03/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/084,769	Applicant(s) STENERSEN ET AL.	
	Examiner Matthew O Savage	Art Unit 1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-18* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-15, drawn to a filter, classified in class 210, subclass 440.

II. Claims 16-18, drawn to a filtration system, classified in class 210, subclass 168.

Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of set forth in claims 3-15 of the subcombination. The subcombination has separate utility such as filter used in a hydraulic system.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

This application discloses four patently distinct species that correspond to the drawings as follows:

Species	Figure(s)
1	2-3
2	4-5
3	6
4	14.

This application contains claims directed to the following patentably distinct species of the claimed invention:

Claims 1, 2, 16, and 17 correspond to species 1, 2, and 4;

Claims 3-7, 10-14, and 18 correspond to species 1 and 2;

Claim 8 corresponds to species 1;

Claim 9 corresponds to species 2;

Claim 15 corresponds to species 4.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record

showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

A telephone call was made to Ms. Julie Daulton on 3-25-03 to request an oral election to the above restriction requirement, but did not result in an election being made.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is 703-308-3854. The examiner can normally be reached on Monday-Friday, 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda W. Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

M. Savage

Matthew O Savage
Primary Examiner
Art Unit 1723

mos
March 25, 2003

We claim:

1. (Amended) A liquid filter construction comprising:

(a) a metal baffle plate having an inlet arrangement and an outlet arrangement;

(i) said metal baffle plate having an average cross-sectional thickness of at least 0.080 inch;

(b) a metal can having an interior and an average cross-sectional wall thickness different than that of said metal baffle plate thickness; said metal can average cross-sectional wall thickness being at least 0.008 inch;

(i) said metal can being secured to said [steel] metal baffle plate along a laser welded seam; and

(c) a filter element operably oriented within said interior of said metal can.

(c) a filter element operably oriented within said interior of said metal can.

2. A liquid filter construction according to claim 1 wherein:

(a) one of said inlet arrangement and said outlet arrangement defines a tubular member having an outer, annular surface; and

(b) said filter element includes at least a first end cap and a media pack secured to said first end cap.

3. A liquid filter construction according to claim 2 further comprising:

(a) a radially directed seal between said first end cap and said outer, annular surface of said tubular member.

4. A liquid filter construction according to claim 3 wherein:

(a) said baffle plate includes an inner surface oriented within said can interior, and an opposite outer surface remote from said can interior;

(i) said baffle plate including a channel in said outer surface constructed and arranged to hold a seal member.

5. A liquid filter construction according to claim 4 wherein:

(a) said first end cap includes a plurality of axially extending protrusions engaging said inner surface of said baffle plate; and

(b) said first end cap radially abuts said outer, annular surface of said tubular member to form said radially directed seal.

6. A liquid filter construction according to claim 5 wherein:

(a) said filter element further includes a second end cap and an inner liner;

(i) said media pack extending between said first end cap and said second end cap

(ii) said media pack circumscribing said inner liner.

7. A liquid filter construction according to claim 6 further including:

(a) a rigid structural member oriented in said can interior;

(i) said rigid structural member abutting an end of said can remote from said baffle plate and supporting said filter element.

8. A liquid filter construction according to claim 7 wherein:

(a) said rigid structural member is secured to said second end cap.

9. A liquid filter construction according to claim 7 wherein:

(a) said rigid structural member is an integral part of said inner liner.

10. A liquid filter construction according to claim 7 wherein:

(a) said rigid structural member comprises a bypass valve assembly.

11. A liquid filter construction according to claim 6 wherein:

(a) said second end cap includes a plurality of radially directed protrusions engaging an inner portion of said can.

12. A liquid filter construction according to claim 6 wherein:

(a) said media pack comprises pleated paper potted within said first and second end caps;

(b) said first and second end caps comprise urethane or acrylic; and

(c) said inner liner comprises a rigid, plastic material.

13. A liquid filter construction according to claim 1 wherein:

(a) said baffle plate is steel and has an average cross–sectional thickness of no greater than 3.0 in.;

(b) said can is steel and has an average cross–sectional wall thickness of no greater than 0.048 in.

14. A liquid filter construction according to claim 13 wherein:

(a) said baffle plate has an outer annular surface;

(i) said laser welded seam being between said can and said outer annular surface of said baffle plate.

15. A liquid filter construction according to claim 1 wherein:

(a) said filter element is sealed against said baffle plate by an axially directed seal.

16. A filtration system comprising:

(a) an engine having a size of at least 10 hp and a lubrication system; and

(b) a filter construction operably mounted to clean liquid flowing in said lubrication system; said filter construction including:

(i) a metal can having an interior and a first average cross–sectional wall thickness;

(ii) a metal baffle plate having an inlet oriented to take in liquid to be cleaned for said lubrication system and an outlet oriented to exhaust cleaned liquid;

(A) said metal baffle plate having a second average cross–sectional thickness; the second average cross–sectional wall thickness being at least 200% of the first average cross–sectional wall thickness;

(B) said metal can being secured to said metal baffle plate along a laser welded seam; and

(iii) a filter element operably oriented within said interior of said metal can.

17. A filtration system according to claim 16 wherein:

(a) said lubrication system is constructed and arranged to operate at pressures no greater than about 200 psi.

18. A filtration system according to claim 16 wherein:

(a) said filter element having at least a first end cap and a media pack secured to said first end cap;

(i) said first end cap radially abutting said outer, annular surface of said tubular member to form a radially directed seal between said first end cap and said tubular member.

19. A method of constructing a filter; the method comprising:

(a) inserting a filter element into a metal can; the metal can having at least one open end and a first average cross–sectional wall thickness;

(b) covering the one open end with a metal baffle plate; the baffle plate having a second average cross–sectional thickness;

(i) the second average cross–sectional thickness being at least 200% of the first average cross–sectional wall thickness; and

(c) securing the baffle plate to the can by laser welding.

20. A method according to claim 19 wherein:

(a) said step of securing includes laser welding at least first and second, spaced tacks between the baffle plate and the can and then laser welding at least a 360° seam between the baffle plate and the can;

(i) the first average cross–sectional wall thickness of the can being at least 0.008 inch; and

(ii) the second average cross–sectional wall thickness of the baffle plate being at least about 0.08 inch.